

or sued forth from or upon the judgment of the court, all the exceptions of all the parties, plaintiffs and defendants, that may have been taken, and whether the appeal or writ of error be taken or sued by all or any of said parties, shall be certified to the court of appeals as a part of the transcript of the record to that court, and shall by said court be decided; and the decision of said court in the premises, if the cause be remitted to said circuit court, shall be accordingly certified to said circuit court.

P. L. L., (1860,) art. 21, sec. 59.

70. All exceptions, as aforesaid, shall be certified to the court of appeals, although the bills relating to any of them shall not have been actually drawn at length, or signed by the court, before the verdict shall have been recorded in the cause, and although, either before or after such verdict, the party excepting shall offer to withdraw such exceptions; and, in such cases, if the excepting party shall refuse or fail to draw and submit to the court such exceptions, the same may be drawn or submitted by the opposite party; and when ascertained and corrected, and settled by the court, to conform to the evidence and to the points or prayers embraced in the exceptions, they shall be signed and sealed by said court, and avail as if drawn and signed and sealed in the usual manner; provided, that no exceptions taken by the party not appealing or suing a writ of error as aforesaid, shall be certified as aforesaid, if such party, by his counsel, shall agree in writing, and file the agreement in the cause, not to avail himself, at any future trial, of the point or prayer made or involved in such exception; which agreement shall preclude the said party from availing himself, at any future trial as aforesaid, of such point or prayer.

Ibid. sec. 60.

71. Nothing contained in the two preceding sections shall debar the parties in any cause from waiving, by consent, the right of having any of the exceptions, on either side as aforesaid, certified as herein provided, to the court of appeals.

CLEARSPRING.

P. L. L., (1860,) art. 21, sec. 61.

72. The inhabitants of Clearspring and its additions, in Washington county, are a body politic, by the name of "The Burgess